

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

<p>PENNEAST PIPELINE COMPANY, LLC Plaintiff, vs. A PERMANENT EASEMENT OF 0.06 ACRES ± IN MOORE TOWNSHIP, NORTHAMPTON COUNTY, PENNSYLVANIA, TAX PARCEL NO. J5-3-3, et al, Defendants.</p>	<p>CIVIL ACTION No. 18-cv-505</p>
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ORDER

AND NOW, on this 17th day of September, 2019, upon consideration of Plaintiff's Motion for Summary Judgment, and the Landowners' opposition and the documents and arguments submitted in reference thereto, the Motion is hereby **GRANTED**.

IT IS HEREBY ORDERED that PennEast Pipeline Company, LLC, has the substantive right to condemn the following as set forth on Exhibit A:

Tax Parcel Number J5-3-3

- a. A permanent right of way and easement of 0.06 acres ± for the purpose of constructing, operating, maintaining, altering, repairing, changing the size of, replacing and removing a 36-inch diameter pipeline and all related equipment and appurtenances thereto (including but not limited to meters, fittings, tie-overs, valves, cathodic protection equipment and launchers and

receivers) for the transportation of natural gas, or its byproducts, and other substances as approved by the Order of the Federal Energy Regulatory Commission dated January 19, 2018, Docket No. CP15-558-000 (“FERC Order”); and conducting all other activities as approved by the FERC Order; together with all rights and benefits necessary for the full enjoyment and use of the right of way and easement. Further, Defendants shall not excavate, change the grade of or place any water impoundments or structures on the right of way and easement without the written consent of Plaintiff, nor may Defendants plant any trees, including trees considered as a growing crop, on the permanent right of way and easement; or use said permanent right of way or any part thereof in such a way as to interfere with Plaintiff’s immediate and unimpeded access to said permanent right of way, or otherwise interfere with Plaintiff’s lawful exercise of any of the rights herein granted without first having obtained Plaintiff’s approval in writing; and Defendants will not permit others to do any of said acts without first having obtained Plaintiff’s approval in writing. Plaintiff shall have the right from time to time at no additional cost to Defendants to cut and remove all trees including trees considered as a growing crop, all undergrowth and any other obstructions that may injure, endanger or interfere with the construction and use of said pipeline and all related equipment and appurtenances thereto; and

b. Permanent rights of ingress to and egress from the permanent Right of Way.

Tax Parcel Number J5-3-36A

- a. A permanent right of way and easement of 0.05 acres ± for the purpose of constructing, operating, maintaining, altering, repairing, changing the size of, replacing and removing a 36-inch diameter pipeline and all related equipment and appurtenances thereto (including but not limited to meters, fittings, tie-overs, valves, cathodic protection equipment and launchers and receivers) for the transportation of natural gas, or its byproducts, and other substances as approved by the FERC Order; and conducting all other activities as approved by the FERC Order; together with all rights and benefits necessary for the full enjoyment and use of the right of way and easement. Further, Defendants shall not excavate, change the grade of or place any water impoundments or structures on the right of way and easement without the written consent of Plaintiff, nor may Defendants plant any trees, including trees considered as a growing crop, on the permanent right of way and easement; or use said permanent right of way or any part thereof in such a way as to interfere with Plaintiff's immediate and unimpeded access to said permanent right of way, or otherwise interfere with Plaintiff's lawful exercise of any of the rights herein granted without first having obtained Plaintiff's approval in writing; and Defendants will not permit others to do any of said acts without first having obtained Plaintiff's approval in writing. Plaintiff shall have the right from time to time at no additional cost to Defendants to cut and remove all trees including trees considered as a growing crop, all undergrowth and any other obstructions that may injure, endanger or interfere with the construction and use of said pipeline and all related equipment and appurtenances thereto;
- b. A temporary workspace easement totaling 0.03 acres ± as described on Exhibit A for use during the pipeline construction and restoration period only for the purpose of ingress, egress and regress and to enter upon, clear off and use for construction and all activities required by the FERC Order; and
- c. Permanent rights of ingress to and egress from the Permanent Right of Way.

BY THE COURT:

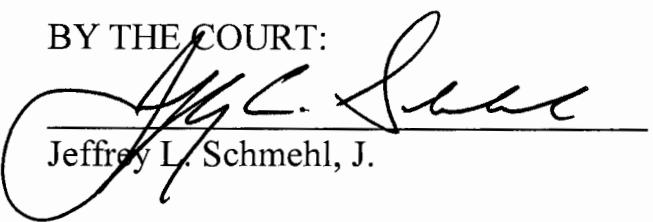

Jeffrey L. Schmehl, J.

EXHIBIT A

100
BLDG 03000

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Foot

PennEast



Date:	8/24/2017	Temporary Workspace (Ac):	0.00
Line List No:	PE-NO-053.000	Additional Temporary Workspace (Ac):	0.00
Parcel No:	15-3-3	Permanent Enclosure (Ac):	0.06
Pipeline Length (feet):	0.00	Limit of Disturbance (Ac):	0.06

Legend:

Permanent Enclosure

THIS OFFICIAL RECORDING OF CONSTRUCTION IS TO BE MAINTAINED BY THE LANDOWNER AND PENN EAST PIPELINE COMPANY AND MAINTAINED FOR A PERIOD OF TWENTY-FIVE (25) YEARS. THIS RECORDING IS FOR THE EXCLUSIVE USE OF THE LANDOWNER AND PENN EAST PIPELINE COMPANY.

EXHIBIT A

ISCEMA
PL NO 055.000

Legend

Temporary Workspace
Permanent Equipment

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Foot



Date:	8/24/2017	Temporary Workspace (Ac):	0.03
Line List No:	PL NO 055.000	Additional Temporary Workspace (Ac):	0.00
Parcel No:	JS-3-36A	Permanent Equipment (Ac):	0.05
Pipeline Length (feet):	0.00	Limits of Disturbance (Ac):	0.08

NOTE: Actual dimensions of disturbance are determined by the pipeline or equipment footprint indicated and should not be determined by the disturbance area.